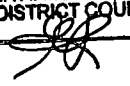


FILED

FEB 07 2020

## UNITED STATES DISTRICT COURT

for the  
Eastern District of North CarolinaPETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
BY  DEP CLKIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)734 CIRCLE DRIVE,  
GREENVILLE, NORTH CAROLINA 27858

Case No. 4:20-mj-1012-JG

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, incorporated herein by reference.

located in the Eastern District of North Carolina, there is now concealed (identify the person or describe the property to be seized):

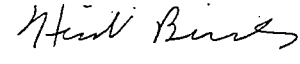
See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

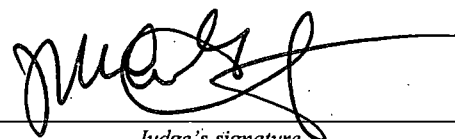
The search is related to a violation of:

| Code Section      | Offense Description                                     |
|-------------------|---|
| 18 U.S.C. 1425(b) | Procurement of Citizenship or Naturalization Unlawfully |
| 18 U.S.C. 2250(b) | International Travel Reporting Violation                |

The application is based on these facts:  
See attached affidavit☒ Continued on the attached sheet.☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.On this day, HEIDI BRIDGES  
appeared before me via reliable electronic means, was  
placed under oath, and attested to the contents of this  
Application for a Search Warrant.Date: 7 Feb. 2020City and state: Raleigh, North Carolina  
Applicant's signature

SA Heidi Bridges, Homeland Security Investigations

Printed name and title

  
Judge's signature

JAMES E. GATES, United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

1. I, Heidi Bridges, being duly sworn, depose and state that I am a Special Agent (SA) of the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) and have been so employed for over four (4) years. I am assigned to the HSI Raleigh, North Carolina field office (HSI-Raleigh) and my duties include, among other things, investigating violations of Titles 8, 18, 19, and 21 of the United States Code. As part of these duties, I have led or participated in investigations involving criminal and/or administrative violations related to money laundering, narcotics trafficking, bulk cash smuggling, identity theft, immigration benefit fraud, human smuggling, human trafficking, the illegal entry and/or re-entry of aliens, and immigration status violators. Prior to reporting for assignment at HSI-Raleigh, I attended training at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, where I received instruction in Federal criminal statutes, search, seizure, and arrest authority, use of force, and many other facets of federal and general law enforcement.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. This affidavit is made in support of a search warrant of the residence of an individual identified as Anthony Morris McFarlane (hereafter referred to as

"MCFARLANE")<sup>1</sup> located at 734 Circle Drive, Greenville, North Carolina (hereafter referred to as the "SUBJECT PREMISES"), located within the Eastern District of North Carolina. The SUBJECT PREMISES is more particularly described in Attachment A of this Affidavit.

4. Because this affidavit is being submitted for the limited purpose of securing a warrant to search the SUBJECT PREMISES, I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of violations of 18 U.S.C. §§ 1425(b) (Procurement of Citizenship or Naturalization Unlawfully)<sup>2</sup> and 2250(b) (International Travel Reporting Violation)<sup>3</sup> (hereafter referred to as the "SPECIFIED FEDERAL OFFENSES") will be located at the SUBJECT PREMISES. More specifically, I seek authorization to locate items described in Attachment B and to seize those items as evidence, fruits, and instrumentalities of the SPECIFIED FEDERAL OFFENSES.

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<sup>1</sup> See *United States v. Anthony Morris McFarlane*, 4:19-CR-83-D (under seal) enclosed herein as Attachment C.

<sup>2</sup> 18 U.S.C. § 1425(b) provides that "[w]hoever, whether for himself or another person not entitled thereto, knowingly issues, **procures or obtains or applies** for or otherwise attempts to procure or obtain naturalization, or citizenship, or a declaration of intention to become a citizen, or a certificate of arrival or any certificate or **evidence of nationalization or citizenship**, documentary or otherwise. . . [s]hall be fined under this title or imprisoned[.]" (emphasis added).

<sup>3</sup> 18 U.S.C. § 2250(b) provides that "[w]hoever--(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.); (2) knowingly fails to provide information required by the Sex Offender Registration and Notification Act relating to intended travel in foreign commerce; and (3) engages or attempts to engage in the intended travel in foreign commerce; shall be fined under this title, imprisoned[.]".

### OPERATION FALSE HAVEN

5. I am currently assigned to the HSI Document and Benefit Fraud Task Force (DBFTF) in Raleigh, North Carolina.

6. In October of 2019, Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), HSI, U.S. Citizenship and Immigration Services (USCIS), and other members of the DBFTF, identified possible fraud concerning those aliens who had committed sexual offenses, and were subsequently granted U.S. citizenship. As a result, the DBFTF launched Operation False Haven, an ongoing investigation designed to identify individuals who fraudulently obtained U.S. citizenship via naturalization. The information regarding this affidavit is either known to me directly or I have obtained the information by speaking with other law enforcement agencies or reviewing reports and other materials relating to this matter.

7. Operation False Haven began with a comprehensive review of the sex offenders registered in North Carolina during the preceding 10-year period. This process produced numerous matches to naturalized U.S. citizens. One of those persons identified was MCFARLANE.

### IMMIGRATION HISTORY OF MCFARLANE

8. In the course of investigating this matter, I have reviewed the official A-File, numbered A042 857 121, related to this individual which reflects the following information:

- a. MCFARLANE was born in Jamaica on XXXX XX, 1966.

- b. On or about May 6, 1991, MCFARLANE was granted permanent resident status by the U.S. Immigration and Naturalization Service (INS).
- c. On or about May 14, 1996, in Syracuse, New York, MCFARLANE completed *Form N-400 Application for Naturalization* and submitted it to INS. Page three of that document contains a series of questions related to good moral character. Question 15 asks "Have you ever knowingly committed any crime for which you have not been arrested?" MCFARLANE checked the box corresponding with "No." The final page of the N-400 contains the signature block. The text immediately above the block reads "I certify or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct." MCFARLANE signed the document and submitted it to INS.
- d. On or about July 20, 1998, in Buffalo, New York, MCFARLANE appeared in person at the INS office. MCFARLANE was placed under oath by an INS officer and swore under penalty of perjury that all of his responses on the N-400 were true and correct.
- e. On or about January 20, 1999, in Syracuse, New York, MCFARLANE appeared in person at the Onondaga County Courthouse and completed a document entitled *N-455 Notice of Naturalization Oath Ceremony*.

Question three of that document asks "AFTER the date you were first interviewed on your Application for Naturalization, have you knowingly committed any crime or offense, for which you have not been arrested; or have you been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, including traffic violations?" MCFARLANE checked the box corresponding with "No". MCFARLANE then signed the N-455, again certifying that his answers were true and correct. Immediately thereafter, MCFARLANE participated in the Naturalization Ceremony and was granted U.S. citizenship. MCFARLANE was issued Certificate of Naturalization number 24193737.

#### CRIMINAL HISTORY OF MCFARLANE

9. In the course of investigating this matter, I have reviewed official local, state, and federal criminal records relating to MCFARLANE which contain the following information:

- a. On or about June 23, 1998, in Syracuse, New York, MCFARLANE was arrested by local authorities and charged with first-degree sexual abuse, sexual contact with individual less than 11 years old, and acting in a manner to injure child less than 17.
- b. On or about December 3, 1998, in the Onondaga County Court in New York, a grand jury issued an indictment charging that in June of 1998, MCFARLANE committed first-degree sexual abuse of a child and

endangering the welfare of a child. According to the indictment, the victim of those crimes was a 10-year-old girl.

- c. On or about July 19, 1999, in the Supreme Court of New York in Onondaga County, MCFARLANE was convicted of attempted first-degree sexual abuse of a child less than 11 years old, in violation of New York Penal Law § 130.65(3). MCFARLANE was sentenced to a six-month term of imprisonment and mandated to register as a sex offender. As mentioned above, the date of the offense was June 1998.

#### APPLICATIONS FOR UNITED STATES PASSPORTS

10. On or about February 16, 1999, in Syracuse, New York, MCFARLANE signed and submitted a form entitled *DS-11 Application for a U.S. Passport* to the U.S. Department of State (DOS). As proof of citizenship and eligibility, MCFARLANE presented Naturalization Certificate number 24193737.

11. On or about February 26, 1999, DOS approved the application and issued MCFARLANE U.S. passport number 103089745.

12. On or about March 20, 2009, in Syracuse, New York, MCFARLANE submitted a form entitled *DS-82 Application for a U.S. Passport by Mail* to DOS. As evidence of citizenship and eligibility, MCFARLANE presented U.S. passport number 103089745. On April 11, 2009, DOS approved the application and issued MCFARLANE U.S. passport number 453456478.

13. On or about February 27, 2019, in Pitt County, North Carolina, MCFARLANE submitted a form entitled *DS-82 U.S. Passport Renewal Application*

for *Eligible Individuals* to DOS. As evidence of citizenship and eligibility, MCFARLANE presented U.S. passport number 453456478. On or about April 1, 2019, DOS notified MCFARLANE by mail that he was ineligible to renew his most recent U.S. passport because it had been revoked and he must therefore submit an application for a new passport.

14. On or about April 8, 2019, in Pitt County, North Carolina, MCFARLANE submitted form DS-11 to DOS. On April 22, 2019, DOS approved the application and issued MCFARLANE U.S. passport 596428917.

**EVIDENCE THAT THE IMMIGRATION AND CRIMINAL HISTORIES  
ABOVE IDENTIFY THE SAME PERSON**

15. On November 22, 2019, the fingerprints taken by INS in conjunction with MCFARLANE'S application for naturalization were submitted to ICE and FBI databases which resulted in a positive biometric match to the fingerprints taken by local law enforcement subsequent to MCFARLANE's arrest on June 23, 1998.

**EVIDENCE OF UNREPORTED FOREIGN TRAVEL**

16. On or about April 24, 2018, in Wake County, North Carolina, MCFARLANE departed the Raleigh Durham International Airport aboard American Airlines flight 1088 and traveled to the Miami International Airport. In Miami, MCFARLANE boarded American Airlines flight 1400 and traveled to the Norman Manley International Airport in Kingston, Jamaica.

17. On or about November 9, 2018, MCFARLANE departed Jamaica and traveled to Atlanta, Georgia via Delta flight 358. In Atlanta, MCFARLANE



presented U.S. passport 453456478 to a CBP officer as evidence of citizenship and eligibility to enter the U.S.

18. On or about January 28, 2020, ICE/ERO contacted the sex offender registration units within the New York State Division of Criminal Justice Services, the Syracuse (New York) Police Department, the Pitt County Sheriff's Department, the North Carolina State Bureau of Investigation (SBI), as well as the U.S. Marshals National Sex Offender Targeting Center. At no time has MCFARLANE notified any of those agencies of foreign travel or intended foreign travel.

#### ADDITIONAL FINDINGS

19. On or about January 28, 2020, ICE/ERO contacted the Sex Offender Registration Unit within the Pitt County Sheriff's Department and learned that MCFARLANE had most recently appeared in person at their office on or about April 25, 2019, and completed a form labeled *NOTICE: Duty to Register*. On that document, MCFARLANE listed his residence as SUBJECT PREMISES. Under the portion of the form labeled 'vehicles' MCFARLANE listed a Chevrolet Silverado bearing New York license plate number HGX-1902. On or about May 13, 2019, and again on October 11, 2019, Pitt County Sheriff's Department personnel physically verified MCFARLANE's residence address.

20. On or about January 28, 2020, ICE/ERO conducted a search of a consolidated law enforcement database. The database indicates that MCFARLANE's current address is the SUBJECT PREMISES.

21. On or about January 28, 2020, ICE/ERO conducted a search of a

consolidated public records database. The database indicates that MCFARLANE's current address is the SUBJECT PREMISES.

22. On or about January 28, 2020, ICE/ERO conducted a search of the SBI online sex offender registry. The database indicates that MCFARLANE's current address is the SUBJECT PREMISES.

23. On or about February 3, 2020, I conducted surveillance of the SUBJECT PREMISES. I observed a black in color, four-door vehicle backed into the driveway; the vehicle had a Jamaican flag on the front license plate. There was a white in color, boxed trailer parked on the left side of the house, in the grass area. There was a rental sign posted in the front yard reading: "East Carolina Property Management FOR RENT 252-756-7797". There were no occupants observed at the SUBJECT PREMISES.

24. On or about February 4, 2020, ICE/ERO contacted the above-mentioned rental company and learned the current tenants are still the occupants of the house.

#### **BENEFIT FRAUD CHARACTERISTICS**

25. Based on my knowledge, training, and experience, and from discussions with other law enforcement officers involved in benefit fraud investigations, I know that persons born abroad who immigrate to the United States, due to requirements set as part of past legislative changes relative to immigration policy, retain documents and other records relative to their entry into the United States, length of time in the United States, immigration filings, criminal histories, and familial history. I know that such persons retain identity documents, including both

legitimate documents and fraudulent documents, and that they store these records for significant periods of time, often their entire lifetime. I know that these documents are typically stored by such persons within their residence so that they are readily available to them if questions arise regarding their immigration status or history, or in order to apply for new benefits, or with specific regard to passports, in order to facilitate travel.

26. Additionally, I know that those aliens who become U.S. citizens have the ability to apply for or petition other family members or spouses. In the majority of these cases a visa would be immediately available. Further, I know that once an alien becomes a U.S. citizen, they would possibly have the potential to transmit citizenship automatically to children born abroad.

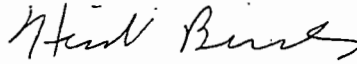
27. Based on the aforementioned information, and based on my knowledge, training, and experience, I expect to find evidence of the SPECIFIED FEDERAL OFFENSES, such as MCFARLANE's naturalization certificate and U.S. passport, at the SUBJECT PREMISES.

### CONCLUSION

28. Based on the above information, there is probable cause to believe that the SPECIFIED FEDERAL OFFENSES have been violated and that the items listed in Attachment B are to be located at the SUBJECT PREMISES.

29. Based on the above information, I respectfully request that this Court issue a warrant to search the SUBJECT PREMISES, which is more particularly described in Attachment A, and to authorize the seizure of the items described in


Attachment B.



---

Heidi Bridges  
Special Agent  
Homeland Security Investigations

On this 7 day of February, 2020, Special Agent Heidi Bridges, appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this Affidavit.



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JAMES E. GATES  
United States Magistrate Judge

## ATTACHMENT A

### **PREMISES TO BE SEARCHED**

734 Circle Drive, Greenville, North Carolina 27858

The SUBJECT PREMISES is located within the Eastern District of North Carolina in Pitt County. The SUBJECT PREMISES is located between Thompson Street and Springhill Road near the intersection of Ridge Road and Circle Drive in Greenville, North Carolina. The SUBJECT PREMISES is a single-story ranch-style single family home with approximately 1,122 feet of living space situated on an approximately .4 acre lot. The exterior of the SUBJECT PREMISES is constructed of red brick with three front-facing windows offset by brown shutters and a 2-column front porch. The front door of the SUBJECT PREMISES has numbers marked "734". The driveway terminates at an attached single-car garage located on the left side of the residence. The below photograph was taken on or about February 3, 2020.



## ATTACHMENT B

### PARTICULAR ITEMS TO BE SEARCHED FOR AND SEIZED

This warrant authorizes (i) the search of the SUBJECT PREMISES as described in **Attachment A** for only the following and (ii) authorizes the seizure of the items listed below only to the extent they constitute the following:

- a. Evidence of violations of the below offenses ("SPECIFIED FEDERAL OFFENSES"):
  - 1. 18 U.S.C. § 1425(b) – Procurement of Citizenship or Naturalization Unlawfully; or
  - 2. 18 U.S.C. § 2250(b) – International Travel Reporting Violations
- b. Any item constituting contraband due to the SPECIFIED FEDERAL OFFENSES, fruits of the SPECIFIED FEDERAL OFFENSES, or other items possessed whose possession is illegal due to the SPECIFIED FEDERAL OFFENSES; or
- c. Any property designed for use, intended for use, or used in committing any of the SPECIFIED FEDERAL OFFENSES.

**Subject to the foregoing, the items authorized to be seized include the following:**

- a. Identity documents and other records, whether legitimate or fraudulent, relating to Anthony Morris McFarlane (hereafter referred to as "MCFARLANE"), including, but not limited to birth certificates, voter registration cards, passports, Social Security cards, driver's licenses, lawful permanent resident cards, or applications or duplicate issuances of such documents; and
- b. Documents and records relating to immigration applications and petitions for MCFARLANE, including but not limited to naturalization applications, applications to adjust status, naturalization certificates, notices of naturalization oath ceremony, lawful permanent residence cards, alien registration receipt cards; and
- c. Documents or other records related to previous encounters with immigration officials, including, but not limited to notices of interviews; and

- d. Documents, stamps, records, and commercial travel reservations reflecting MCFARLANE'S entry into and exit from all countries including the United States; and
- e. All records, in whatever form, of personal or business activities relating to the operation, dominion, and control of the SUBJECT PREMISES; and
- f. Documents, records and/or other evidence that may relate to the aforementioned items but that are in a foreign language and require translation; and
- g. Cell phones, personal computers, laptop computers, handheld computers/organizers, hard drives, flash drives and any other electronic media capable of containing evidence of the SPECIFIED FEDERAL OFFENSES; and
- h. Any other items that are evidence, fruits, or instrumentalities of a violation of the aforementioned SPECIFIED FEDERAL OFFENSES.

ATTACHMENT C

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:19-cr-83-ID(1)

FILED IN OPEN COURT  
ON 12-11-2019  
Peter A. Moore, Jr., Clerk  
US District Court  
Eastern District of NC  
JAP

UNITED STATES OF AMERICA )

v. )

ANTHONY MORRIS MCFARLANE )

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about February 27, 2019, in the Eastern District of North Carolina and elsewhere, the defendant, ANTHONY MORRIS MCFARLANE, did knowingly apply for, and attempt to procure evidence of citizenship for himself, to which he was not entitled, that is, the defendant obtained a United States passport by means of an application in which as proof of his United States citizenship he submitted a United States passport, when in truth and in fact, as the defendant then and there well knew, the United States passport submitted as proof of United States citizenship was obtained by a false statement, in violation of Title 18, United States Code, Section 1425(b).

All in violation of Title 18, United States Code, Section 1425(b).

COUNT TWO

On or about April 8, 2019, in the Eastern District of North Carolina and elsewhere, the defendant, ANTHONY MORRIS MCFARLANE, did knowingly apply



for, and attempt to procure evidence of citizenship for himself, to which he was not entitled, that is, the defendant obtained a United States passport by means of an application in which as proof of his United States citizenship he submitted a United States passport, when in truth and in fact, as the defendant then and there well knew, the United States passport submitted as proof of United States citizenship was obtained by a false statement, in violation of Title 18, United States Code, Section 1425(b).

All in violation of Title 18, United States Code, Section 1425(b).

### COUNT THREE

On or about April 22, 2019, in the Eastern District of North Carolina and elsewhere, the defendant, ANTHONY MORRIS MCFARLANE, did knowingly procure and obtain evidence of citizenship for himself, to which he was not entitled, that is, the defendant obtained a United States passport by means of an application in which as proof of his United States citizenship he submitted a United States passport, when in truth and in fact, as the defendant then and there well knew, the United States passport submitted as proof of United States citizenship was obtained by a false statement, in violation of Title 18, United States Code, Section 1425(b).

[remainder of page intentionally left blank]

All in violation of Title 18, United States Code, Section 1425(b).

A TRUE BILL  
REDACTED VERSION  
Pursuant to the E-Government Act and the  
federal rules, the unredacted version of  
this document has been filed under seal.  
FOREPERSON.

DATE: 12/11/19

ROBERT J. HIGDON, JR.  
United States Attorney

Sebastian Kielmanovich  
BY: SEBASTIAN KIELMANOVICH  
Assistant United States Attorney